

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF WEST VIRGINIA
MARTINSBURG**

**MASSACHUSETTS MUTUAL LIFE
INSURANCE COMPANY,**

Plaintiff,

v.

**Civil Action No. 3:05CV69
(Judge Bailey)**

**FACTORY MUTUAL INSURANCE
COMPANY,**

Defendant.

**ORDER OF INTERMEDIATE PRETRIAL CONFERENCE GRANTING JOINT MOTION
TO MODIFY SCHEDULING ORDER**

On July 9, 2007, the parties in the above-styled civil action appeared before the Court for a telephonic intermediate pretrial conference. The plaintiff, Massachusetts Mutual Life Insurance Company, was present by counsel Christopher Robertson. Defense counsel Adam Leichtling and Walter Jones, III appeared on behalf of the defendant, Factory Mutual Insurance Company.

As an initial matter, the Court undertook consideration of the parties' Joint Motion to Modify Scheduling Order [Doc. 90]. As indicated in the motion, a dispute over written discovery has delayed the progress of the case, and to date, a number of outstanding depositions still exist. In addition, the parties informed the Court that witness locations and vacation schedules have further delayed counsels' discovery progress. Finding good cause, the Court **GRANTED** the parties' **Joint Motion to Modify Scheduling Order** [Doc. 90], and further **ORDERED** that the below list of deadlines be **ADOPTED**:

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|----|----------------------|-------------------|
| 1. | Discovery | December 5, 2007; |
| 2. | Joinder & Amendments | November 1, 2007; |


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| 3. | Fed. R. Civ. P. 26(a)(2) Disclosures | September 7, 2007; |
| 4. | Examinations & Inspections | November 9, 2007; |
| 5. | Mediation | December 14, 2007; |
| 6. | Dispositive Motions | January 7, 2008; |
| | Responses | January 16, 2008; |
| 7. | Witness & Exhibit Lists | January 23, 2008; |
| | Objections | February 1, 2008; |
| 8. | Jury Instructions, Voir Dire, &
Verdict Forms | January 23, 2008; |
| | Objections | February 1, 2008; |
| 9. | Joint Pretrial Conference Order | February 1, 2008; |
| 10. | Final Pretrial Conference | February 11, 2008 at 1:30 pm; |
| 11. | Trial | March 4, 2008 at 8:30 am. |

As a final matter, the Court directed the attorneys to appear by 8:00 am on the first day of trial. There being no further business, the Court adjourned the matter.

It is so **ORDERED**.

The Clerk is directed to transmit a true copy of this Order to counsel of record.

DATED this 10 day of **July, 2007**.


JOHN PRESTON BAILEY
UNITED STATES DISTRICT JUDGE